IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE ELEVENTH DAY OF AUGUST TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.JUSTICE : T. CH. SURYA RAO

CRIMINAL PETITION No. 3466 of 2004

Between:

1.Mr. Pradeep Yadav
2.R.P.Sharma
3.Arvind Dhariyal

.. Petitioners/Accused Nos.4, 5,6.

And

The State of A.P. through Public Prosecutor,
High Court Building, Hyderabad. .. Respondent/ Complainant

Petition under Section 438 of Crl.P.C. praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to enlarge the petitioners on bail in the event of their arrest in Crime No.88 of 2004, of Police Station, Madhapur, Ranga Reddy District, in the interest of justice.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Mr.A. Sudarshan Reddy, Advocate for the Petitioners and of the Public Prosecutor, on behalf of the Respondent.

The Court made the following ORDER :

"Petitioners, who are A4, A5 and A6, in the crime that has been registered against them under Sections 420, 406 r/w 120-B of Indian Penal Code, seek anticipatory bail.

The 1st petitioner is a Vice-President, the 2nd petitioner is Chairman of the Company concern and 3rd petitioner is its Director. It is alleged that Petitioners 1 and 2 along with another induced the complainant to set up a company at Hyderabad and made him to purchase necessary infrastructures, paid the huge amounts, pursuant to the terms of the contract and ultimately wanted to seek licence in the name of the Company, so as to get benefits out of it, and thereby, cheated the complainant and others.

The contention that there is an arbitration clause inter alia provided in the agreement and it is a case of civil liability, merits no consideration at this stage, in view of the allegations of deception and consequent cheating.

Petitioner No.3, however, stands on a different footing with the others. In that view of the matter the request of the petitioner No.3 for anticipatory bail shall have to be considered. The investigation is in progress. Therefore, the request of the petitioners 1 and 2, at this stage, cannot be considered.

In the result, petition is allowed in part and the petitioner No.3, who is A-6 in the crime, shall be enlarged on bail in the event of his arrest on his executing a bond for Rs.5,000/- (Rupees five thousand only) with two sureties for a likesum each to the satisfaction of SHO of Madapur Police Station. On such release, the petitioner No.3 shall co-operate with the investigation and shall appear before him for the purpose of investigation in this case.

The petition in so far as petitioner Nos. 1 & 2 are concerned is dismissed."

ASSISTANT

REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1.The I Addl. District and Sessions Judge, R.R.District at L.B.Nagar.
2.The Addl. Judicial First Class Magistrate (W&S), R.R. District at L.B. Nagar.
3.The Station House Officer, Madapur Police Station, Ranga Reddy District.
4.Two CCs to the Public Prosecutor, High Court of A.P. Hyderabad.(OUT)
5.One spare copy.

H.A.

HIGH COURT

TCSRJ

DT: 11-08-2004

ORDER :

CRL.P.NO.3466/04

PETITIONER NO.3, WHO IS A-6 IN THE CRIME, SHALL BE ENLARGED ON BAIL.